

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS

MAILED

MAY 27 2008

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

In re Akira Masaoka et al.     )  
  )  
Application: 10/605,843         )  
Filed: October 30, 2003        )  
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Appeal No. 2007-4221

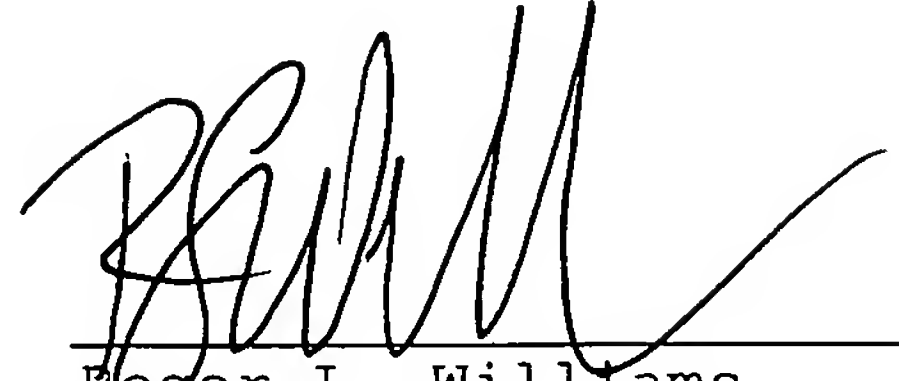
ORDER DENYING REQUEST TO RESET HEARING DATE

An oral hearing before a merits panel of the Board of Patent Appeals and Interferences has been set for May 15, 2008. The notice setting the hearing was mailed to counsel on April 7, 2008. We have received the facsimile for the Request for Postponement of Oral Hearing dated May 14, 2008, and it has been acknowledged. However, the request is hereby DENIED.

Appellants' attorney states, "He still wishes to have an Oral Hearing in this appeal, and requested that a hearing in this case be held at the same time as that in Serial No. 11/307,412."

In prior conversations with the Appellant's attorney, he was told his request was probably not going to be possible. Application 11/307,412 has not yet reached the Board for consideration and the Board has no indication as to when the application will arrive. Furthermore, Appellants' attorney did not request a postponement until the day before the scheduled hearing. Subject request is not considered timely or sufficient reason for rescheduling a hearing before a merits panel of the

Board and for this reason the Request for postponement has been  
Denied.



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